

HOUSE BILL No. 1709

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.4.

Synopsis: County office of family and children. Changes references from the department of public welfare to the county office of family and children to reflect the correct designation of that office.

Effective: July 1, 1999.

Summers

January 26, 1999, read first time and referred to Committee on Human Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1709

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-17.4-3-27 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) The division
3 shall investigate a report of a licensed child caring institution's
4 noncompliance with this article and the rules adopted under this article
5 if there is reasonable cause to believe that a licensee's noncompliance
6 with this article and rules adopted under this article creates an
7 imminent danger of serious bodily injury to a child or an imminent
8 danger to the health of a child and report the division's findings to the
9 attorney general and to the county ~~department of public welfare office~~
10 attorney and the prosecuting attorney in the county where the
11 institution is located.
12 (b) The attorney general or the county ~~department of public welfare~~
13 **office** attorney may do the following:
14 (1) Seek the issuance of a search warrant to assist in the
15 investigation.
16 (2) File an action for injunctive relief to stop the operation of a
17 child caring institution if there is reasonable cause to believe that

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1 a licensee's noncompliance with this article and the rules adopted
 2 under this article creates an imminent danger of serious bodily
 3 injury to a child or an imminent danger to the health of a child.

4 (c) The division may require a plan of corrective action for
 5 emergency protection of the children described in subsection (b).

6 (d) The division may provide for the removal of children from child
 7 caring institutions described in subsection (b).

8 (e) An opportunity for an informal meeting with the division shall
 9 be available after the injunctive relief is ordered.

10 SECTION 2. IC 12-17.4-3-31 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) The division
 12 shall investigate a report of an unlicensed child caring institution and
 13 report the division's findings to the attorney general and to the county
 14 ~~department of public welfare office~~ attorney and the prosecuting
 15 attorney in the county where the institution is located.

16 (b) The attorney general or the county ~~department of public welfare~~
 17 ~~office~~ attorney may do the following:

18 (1) Seek the issuance of a search warrant to assist in the
 19 investigation.

20 (2) File an action for injunctive relief to stop the operation of a
 21 child caring institution if there is reasonable cause to believe that
 22 the child caring institution is operating without a license required
 23 under this article.

24 (3) Seek in a civil action a civil penalty not to exceed one hundred
 25 dollars (\$100) a day for each day a child caring institution is
 26 operating without a license required under this article.

27 (c) An opportunity for an informal meeting with the division shall
 28 be available after the injunctive relief is ordered.

29 (d) The civil penalties collected under this section shall be deposited
 30 in the child care fund.

31 SECTION 3. IC 12-17.4-4-33 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 33. (a) The division
 33 shall investigate a report of an unlicensed foster family home and
 34 report the division's findings to the attorney general and to the county
 35 ~~department of public welfare office~~ attorney and the prosecuting
 36 attorney in the county where the foster family home is located.

37 (b) The attorney general or the county ~~department of public welfare~~
 38 ~~office~~ attorney may do the following:

39 (1) Seek the issuance of a search warrant to assist in the
 40 investigation.

41 (2) File an action for injunctive relief.

42 (3) Seek in a civil action a civil penalty not to exceed one hundred

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dollars (\$100) a day for each day a foster family home is operating without a license required under this article.

(c) The civil penalties collected under this section shall be deposited in the child care fund.

SECTION 4. IC 12-17.4-5-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) The division shall investigate a report of a licensed group home's noncompliance with this article and the rules adopted under this article if there is reasonable cause to believe that noncompliance with this article and rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child and report the division's findings to the attorney general and to the county ~~department of public welfare~~ **office** attorney and the prosecuting attorney in the county where the group home is located.

(b) The attorney general or the county ~~department of public welfare~~ **office** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a group home if there is reasonable cause to believe that a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(c) The division may require a plan of corrective action for emergency protection of the children described in subsection (b).

(d) The division may provide for the removal of children from the group home described in subsection (b).

(e) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

SECTION 5. IC 12-17.4-5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) The division shall investigate a report of an unlicensed group home and report the division's findings to the attorney general and to the county ~~department of public welfare~~ **office** attorney and the prosecuting attorney in the county where the group home is located.

(b) The attorney general or the county ~~department of public welfare~~ **office** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a group home if there is reasonable cause to believe that the group home is operating without a license required under this article.

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(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a group home is operating without a license required under this article.

(c) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(d) The civil penalties collected under this section shall be deposited in the child care fund.

SECTION 6. IC 12-17.4-6-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) The division shall investigate a report of a licensed child placing agency's noncompliance with this article and the rules adopted under this article if there is reasonable cause to believe that a licensee's noncompliance with this article and rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child and report the division's findings to the attorney general and to the county ~~department of public welfare office~~ attorney and the prosecuting attorney in the county where the child placing agency is located.

(b) The attorney general or the county ~~department of public welfare office~~ attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child placing agency if there is reasonable cause to believe that a licensee's noncompliance with this article and the rules adopted under this article create an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(c) The division may require a plan of corrective action for emergency protection of the children described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

SECTION 7. IC 12-17.4-6-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) The division shall investigate a report of an unlicensed child placing agency and report the division's findings to the attorney general and to the county ~~department of public welfare office~~ attorney and the prosecuting attorney in the county where the child placing agency is located.

(b) The attorney general or the county ~~department of public welfare office~~ attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a

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1 child placing agency if there is reasonable cause to believe that
2 the child placing agency is operating without a license required
3 under this article.
4 (3) Seek in a civil action a civil penalty not to exceed one hundred
5 dollars (\$100) a day for each day a child placing agency is
6 operating without a license required under this article.
7 (c) An opportunity for an informal meeting with the division shall
8 be available after the injunctive relief is ordered.
9 (d) The civil penalties collected under this section shall be deposited
10 in the child care fund.

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